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IN THE HIGH COURT OF JUDICATURE OF CHHATTISGARH AT
BILASPUR

Single Bench

MISCELLANEOUS APPEAL NO. 17 2005

Appellant
Defendants

1. S. R. Sahu aged 49 years son of Shri M. R. Sahu
2. Smt. Jageshwari Sahu wife of Shri Brijesh Sahu
3. Smt. Usha Sahu wife of Shri S. R. Sahu
all of them resident of Ameri Road, Nehru Nagar, Bilaspur (C.G.)

P.R. No. 42/06
Presented by Smt. Jageshwari Sahu
dated 03/11/06

VERSUS

Respondents
Plaintiff

1. Ravi Prakash Sharma aged 40 years son of Shri R. P. Sharma
2. Laxminarayan Sharma aged 45 years son of Sheonarayan Sharma
both of them resident of Gayatri Mandir Road, R-2 Vinoba Nagar, Bilaspur (C.G.)
3. State of Chhattisgarh through Collector Bilaspur (C.G.)

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MISCELLANEOUS CIVIL APPEAL UNDER ORDER 43 RULE 1 (R) OF THE CODE OF CIVIL PROCEDURE AGAINST THE ORDER DATED 03.12.2005 PASSED BY DISTRICT JUDGE BILASPUR (C.G.) IN CIVIL SUIT NO. 5 A/2005 BETWEEN RAVI PRAKASH SHARMA AND ANOTHER VERSUS S. R. SAHU AND OTHERS, WHICH IS HEREWITH ANNEXED AS ANNEXURE A-1.

XURE A-1

आदेश पत्रक

मामला क्रमांक

M.A. NO 17/2006

सन् 2006

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	18/01/2006 Shri Kamal Pandey, Counsel for the appellants. Heard on admission and on M.C.P.No.33/2006. Admittedly appellants/defendants on 11/11/2004 executed an agreement to sell the suit lands and received an advance of Rs.1,00,000/- (Rupees One lakh) and thereafter appellant No.3 on the instructions of respondent No.1 executed a registered sale deed for part of the suit land in favour of respondent No.2. During arguments learned counsel for the appellants submits that the suit land is not in appellants' possession. District Judge, Bilaspur before whom respondents No. 1 and 2 have filed a suit for specific performance of contract and adjustment of some amount, taking into account all the facts and material available before him for grant of interim injunction restraining the appellants not to alienate the suit property correctly held that there is, prima facie, case in favour of respondents No. 1 and 2 and in absence of interim relief, they may suffer irreparable loss and further held that balance of convenience also lies in favour of the respondents, therefore, vide impugned order restrained the appellants not to alienate the suit property. Taking into consideration all the facts and circumstances of the case, I am of the opinion that the order passed by the District	

[पं० देवरा]

आदेश पत्रक

मामला क्रमांक

सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी-रजिस्ट्रार के अन्तिम आदेश
	Judge, Bilaspur, is not erroneous and does not call for any interference. Therefore, the appeal is liable to be dismissed summarily and is accordingly dismissed. In the light of above order, M.C.P.No. 33/2006 stands disposed of.	Sd/- V.K.Shrivastava Judge

raju

[पीछे देखिये]

21/2/06